

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-23 are pending in the present application. Claims 1, 3 and 18 have been amended and Claims 24-32 have been canceled by the present amendment.

In the outstanding Office Action, Claims 1 and 3-9 were rejected under 35 U.S.C. § 103(a) as anticipated by Harris et al.; Claim 2 was rejected under 35 U.S.C. § 103(a) as unpatentable over Harris et al. in view of Hayashi; Claim 6 was rejected under 35 U.S.C. § 103(a) as unpatentable over Harris et al. in view of Alers et al.; and Claims 3 and 7-9 were indicated as allowable if rewritten in independent form.

Applicants thank the Examiner for the indication of allowable subject matter and for the courtesy of an interview extended to Applicants' representative on October 15, 2003. During the interview, Applicants' representative proposed amending Claim 1 to include some of the indicated allowable subject matter recited in Claim 3. In particular, Applicants' representative proposed amending Claim 1 to recite that the first electrode is filled in a first trench and has a flat surface, and the second electrode is filled in a second trench and has a flat surface, and proposed amending dependent Claims 3 and 18 in light of the amendments made to Claim 1. As discussed during the interview, the applied art does not teach or suggest the claimed first and second electrodes having flat surfaces and being filled in first and second trenches.

Further, it is respectfully noted the rejection of Claims 1 and 3-9 under 35 U.S.C. § 102(e) as anticipated by Harris et al. is an obvious typographical error and should be Claims 1 and 4-9 are rejected under 35 U.S.C. § 102(e) as anticipated by Harris et al. as Claim 3 has been indicated as allowable if rewritten in independent form.

Therefore, in light of the amendment to Claim 1, it is respectfully submitted the rejections noted in the outstanding Office Action have been overcome and the pending claims are allowable.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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